25381. Misbranding of Bron-Ki. U. S. v. Jesse Miller, trading as Bron-Ki Co. Plea of guilty. Fine, $10. Execution of sentence suspended. (F. & D. no. 33830. Sample no. 57481–A.)

Unwarranted curative and therapeutic claims were made for this article.

On February 16, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jesse Miller, trading as the Bron-Ki Co., Columbus, Ohio, alleging shipment by him, in violation of the Food and Drugs Act as amended, on or about July 31, 1933, from Columbus, Ohio, to North McAlester, Okla., of quantities of Bron-Ki which were misbranded. The article was labeled in part: (Package) "Bron-Ki * * * Bronchitis. Deep Seated Chest Colds Prepared for and Sold by Bron-Ki-Co. Station D. Box 2727 Columbus, Ohio."

Analysis showed that the article contained eucalyptol and terebinthine.

The article was alleged to be misbranded in that the label bore and the leaflet enclosed in the package contained false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for bronchitis and deep-seated chest colds; and effective to eliminate germ-laden phlegm.

On December 3, 1935, a plea of guilty was entered, a fine of $10 was imposed, and execution of sentence was suspended.

M. L. Wilson, *Acting Secretary of Agriculture.*

25382. Adulteration and misbranding of strontium salicylate tablets. Misbranding of blaud and strychnine tablets, corrosive sublimate tablets, salol tablets, phenolphthalein tablets. Misbranding of ammonium chloride tablets. Adulteration and misbranding of solution of potassium arsenite (Fowler's solution). Adulteration and misbranding of tincture of aconite tablets. Adulteration of elixir of iron, quinine, and strychnine. Adulteration and misbranding of calomel and phenolphthalein tablets. U. S. v. Frost, Stephens Co. Plea of guilty. Fine, $150. (F. & D. no. 33838. Sample nos. 48506–A, 55578–A, 58677–A, 58680–A, 58682–A, 58683–A, 58684–A, 58686–A, 59039–A, 59040–A, 59041–A, 59049–A.)

This case was based on interstate shipments of drugs as follows: Strontium salicylate tablets; blaud and strychnine tablets; corrosive sublimate tablets; salol tablets; phenolphathalein tablets; ammonium chloride tablets; solution of potassium arsenite (Fowler's solution); tincture of aconite tablets; elixir of iron, quinine, and strychnine; and calomel and phenolphthalein tablets. The strontium salicylate tablets contained less strontium salicylate and more acetphenetidin than was represented on the label. The blaud and strychnine tablets contained more arsenic (arsenic trioxide), and the number of tablets in the bottles was less than represented on the label. The corrosive sublimate tablets, so-called, contained no corrosive sublimate. The salol tablets in one shipment contained more salol than was represented on the label, and the salol tablets in another shipment contained less salol than was represented on the label. The phenolphthalein tablets contained less phenolphthalein than was represented on the label. The number of ammonium chloride tablets contained in the bottles was less than represented on the label. The solution of potassium arsenite (Fowler's solution) contained less arsenic trioxide and less alcohol than prescribed for such article in the United States Pharmacopoeia, and the quantity of alcohol was not declared on the label. The tincture of aconite tablets, so-called, contained no aconite. The elixir of iron, quinine, and strychnine differed from the standard prescribed for such article in the National Formulary in that it contained less anhydrous quinine and less alcohol, in that it contained iron citrate and quinine citrate, and in that it contained no ferric citrochloride and no quinine hydrochloride. The calomel and phenolphthalein tablets contained more calomel, and the number of tablets in the bottles was less than represented on the label.

On April 26, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Frost, Stephens Co., a corporation, Elmira, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, from the State of New York into the State of Pennsylvania, on or about June 15, August 16, October 5, 9, and 13, 1933, of quantities of the drugs hereinbefore enumerated, contained in bottles, which were, respectively, adulterated or misbranded, or both. The strontium salicylate tablets were labeled: "500 Compressed Tablets Strontium Salicyl. 4 gr. Acetphenetidin 1 gr. Methyl Salicyl. Q. S. Frost, Stephens Co. Elmira, New York." The blaud and strychnine tablets were labeled: "1000 Coated Tablets Blaud and Strych.

Comp. Blaud's Mass 5 gr. Strychnine 1/60 gr. Mercury Bich. 1/80 gr. Extract Gentian 1/16 gr. Arsenic 1/64 gr. Capsicum 1/64 gr. Frost, Stephens Co. Elmira, New York." The corrosive sublimate tablets were labeled: "500 Corrosive Sublimate 1/40 Gr. Frost, Stephens Co. Elmira, New York." The salol tablets were labeled: "Compressed Tablets Salol Each tablet contains Salol 2½ gr. 500 Frost, Stephens Co. Elmira, New York." The phenolphthalein tablets were labeled: "Phenolphthalein 1 Gr. 500 Frost, Stephens Co. Elmira, New York." The ammonium chloride tablets were labeled: "500 Ammon. Chloride 5 gr. Frost, Stephens Co. Elmira, New York." The solution of potassium arsenite (Fowler's solution) was labeled: "Solution Potassium Arsenitis (Fowler's Solution) Poison Frost, Stephens Co. Elmira, New York." The tincture of aconite tablets were labeled: "C. Tablet Triturates Aconite Tincture 8-1/2 min. Frost, Stephens Co. Elmira, New York." The elixir of iron, quinine, and strychnine was labeled: "Elixir Iron, Quinine and Strych. No. 2 Alcohol 13% Each fluid ounce contains Strychnine Sul. 1/8 gr. Quinine Citrate 1 gr. Iron Citrate 16 gr. Frost, Stephens Co. Elmira, New York." The calomel and phenolphthalein tablets were labeled: "1000 Calomel 1/4 Gr. Phen. 1/4 Gr. Frost, Stephens Co. Elmira, New York."

The strontium salicylate tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since the tablets were represented to contain in each, 4 grains of strontium salicylate and 1 grain of acetphenetidin; whereas, in fact, they each contained less than 4 grains of strontium and more than 1 grain of acetphenetidin. The strontium salicylate tablets were alleged to be misbranded in that the statement, "Strontium Salicyl. 4 gr. Acetphenetidin 1 gr.", borne on the label, was false and misleading, since it represented that the tablets each contained 4 grains of strontium salicylate and 1 grain of acetphenetidin; whereas, in fact, they each contained less than 4 grains of strontium salicylate and more than 1 grain of acetphenetidin.

The blaud and strychnine tablets were alleged to be misbranded in that the statements, "1000 * * * Tablets," and "Arsenic 1/64 gr.", borne on the label, were false and misleading, since they represented that the bottles each contained 1,000 tablets, and that these tablets each contained one-sixty-fourth of a grain of arsenic, that is, arsenic trioxide; whereas, in fact, the bottles each contained less than 1,000 tablets, and the tablets each contained more than one sixty-fourth of a grain of arsenic, that is, arsenic trioxide.

The corrosive sublimate tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since the tablets were represented to contain in each one-fortieth of a grain of corrosive sublimate; whereas, in fact, they each contained no corrosive sublimate. The corrosive sublimate tablets were alleged to be misbranded in that the statement, "Corrosive Sublimate 1/40 Gr.", borne on the label, was false and misleading, since it represented that the tablets each contained one-fortieth of a grain of corrosive sublimate; whereas, in fact, they each contained no corrosive sublimate.

The salol tablets in one shipment were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since the tablets were each represented to contain 2½ grains of salol; whereas, in fact, the tablets each contained more than 2½ grains of salol. Misbranding of these salol tablets was alleged in that the statement, "Tablets Salol Each tablet contains Salol 2½ gr.", borne on the label, was false and misleading, since it represented that the tablets each contained 2½ grains of salol; whereas, in fact, the tablets each contained more than 2½ grains of salol.

The salol tablets in another shipment were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since the tablets were represented to contain 2½ grains of salol; whereas, in fact, the tablets each contained less than 2½ grains of salol. Misbranding of these salol tablets was alleged in that the statement, "Tablets Salol Each tablet contains Salol 2½ gr.", borne on the label, was false and misleading, since it represented each of the tablets to contain 2½ grains of salol; whereas, in fact, the tablets each contained less than 2½ grains of salol.

The phenolphthalein tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since each of the tablets was represented to contain 1 grain of phenolphthalein; whereas, in fact, they contained each less than 1 grain of

phenolphthalein. The phenolphthalein tablets were alleged to be misbranded in that the statement, "Phenolphthalein 1 Gr.", borne on the label, was false and misleading, since it represented that the tablets each contained 1 grain of phenolphthalein; whereas, in fact, the tablets each contained less than 1 grain of phenolphthalein.

The ammonium chloride tablets were alleged to be misbranded in that the statement, "1000 Ammon. Chloride 5 Gr.", borne on the label, was false and misleading, since it represented that the bottles each contained 1,000 5-grain ammonium chloride tablets; whereas in fact, the bottles each contained less than 1,000 5-grain ammonium chloride tablets.

The solution of potassium arsenite was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia, since the article contained less than 0.975, to wit, not more than 0.952 gram of arsenic trioxide per 100 cubic centimeters and contained 0.23 percent of alcohol by volume; whereas said pharmacopoeia provides that solution of potassium arsenite (Fowler's solution) shall contain not less than 0.975 gram of arsenic trioxide per 100 cubic centimeters, and that said solution shall contain from 1 to 3 percent of alcohol; and the standard of strength, quality, and purity of the article was not declared on the container. The solution of potassium arsenite was alleged to be misbranded in that it contained alcohol and the label failed to bear a statement of the quantity and proportion thereof.

The tincture of aconite tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since each of the tablets was represented to contain the equivalent of 3½ minims of tincture of aconite; whereas, in fact, they contained no aconite. The tincture of aconite tablets were alleged to be misbranded in that the statement, "Tablets Triturates Aconite Tincture 3½ min.", borne on the label, was false and misleading, since it represented that each of the tablets contained the equivalent of 3½ minims of tincture of aconite; whereas, in fact, they contained no aconite.

The elixir of iron, quinine, and strychnine was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the tests laid down in said formulary, since the article contained not more than 2.02 milligrams of anhydrous quinine per milliliter or less than one-third of anhydrous quinine per milliliter contained in the same volume of elixir of iron, quinine, and strychnine of National Formulary strength, contained iron citrate and quinine citrate, contained no ferric citrochloride and no quinine hydrochloride, and contained not more than 11.44 percent of alcohol by volume; whereas said formulary provides that elixir of iron, quinine, and strychnine shall contain not less than one-third of anhydrous quinine per milliliter, that it shall contain ferric citrochloride and quinine hydrochloride, that it shall contain not less than 24 percent by volume of alcohol, and does not include quinine citrate and iron citrate as components of elixir of iron, quinine, and strychnine; and the standard of strength, quality, and purity of the article was not declared on the label.

The calomel and phenolphthalein tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since they were represented to contain in each one-fourth of a grain of calomel, whereas they each contained more than one-fourth of a grain of calomel. The calomel and phenolphthalein tablets were alleged to be misbranded in that the statement, "1000 Calomel 1/4 Gr.", borne on the label, was false and misleading, since it represented that the bottles each contained 1,000 tablets, and that the tablets each contained one-fourth of a grain of calomel; whereas, in fact, the bottles each contained less than 1,000 tablets, and the tablets each contained more than one-fourth of a grain of calomel.

On November 22, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $150.

M. L. WILSON, *Acting Secretary of Agriculture.*